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Attorney for Plaintiff ROBERT MADRONA

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ROBERT MADRONA,
Plaintiff,

v.

BAY AREA RAPID TRANSIT and
VINCE LOUIE,
Defendants.

Case No.

**COMPLAINT FOR
EMPLOYMENT
DISCRIMINATION AND
HARASSMENT, AND JURY
DEMAND**

Plaintiff alleges:

JURISDICTION AND VENUE

Jurisdiction of this court is invoked pursuant to 28 U.S.C.S. §1331 and §1343, in order to secure protection of, and to redress deprivation of, civil rights secured by Title VII of the Equal Employment Opportunity Act, and the United States Constitution. Additionally, this court has supplemental jurisdiction under 28 U.S.C.S. §1367. Venue lies with this court within the meaning of 28 U.S.C.S. §1391, in that the Defendant is located within the Northern District of California, and all of the events or omissions giving rise to the claims herein occurred in said District.

FACT ALLEGATIONS

1. Plaintiff Robert Madrona (“Madrona”) is an American citizen of Filipino national origin or race, who at all times herein involved has been more than 40 years of age.

2. Defendant Bay Area Rapid Transit (“BART”) is a governmental entity that exists and operates in the San Francisco Bay Area, California for the purpose of providing public mass transportation; and Defendant Vince Louie (“Louie”), an Assistant Manager employed by BART.

3. Madrona has been employed by BART from approximately 2000 to present as a Transit Vehicle Mechanic, and has consistently performed his duties competently and, by any objective measure, satisfactorily.

4. Over the course of Madrona’s said employment, BART supervisors, including Louie, have groundlessly reprimanded or otherwise disciplined him, and frequently treated him in a condescending and demeaning manner.

5. Over the course of Madrona’s said employment, he has applied on numerous occasions to be promoted to positions for which he was qualified, and to receive training in wheel cutting and other subjects for which he was qualified, but BART supervisors, including Louie, have consistently and arbitrarily denied said applications.

6. In acting as hereinabove alleged, said BART supervisors, including Louie, have acted within the course and scope of their agency and employment by BART, and with approval and ratification by BART.

FIRST CLAIM

(Title VII - Discriminatory Failure to Promote on the Basis of Age)

7. Plaintiff herein realleges Paragraphs 1 through 6, hereinabove, and each and every allegation thereof, as though fully set forth herein.

8. By repeatedly and arbitrarily denying Plaintiff’s applications for promotion and training, BART has discriminated against Plaintiff on the basis of his age, and thereby

1 violated the provisions of Title VII of the Equal Employment Opportunity Act ("Title
2 VII").

3 9. As the proximate result of said discrimination, Plaintiff has suffered the loss of
4 heightened earnings that he would have received if he had been granted one or more of
5 said promotions.

6 10. As the further proximate result thereof, Plaintiff has suffered general damages,
7 including anger, humiliation, frustration, anxiety, and emotional distress.

8 11. Plaintiff has filed a complaint with the Equal Employment Opportunity
9 Commission regarding said discrimination, and received a right-to-sue letter therefrom
10 within 90 days prior to the filing of this Complaint.

11 12. Upon prevailing herein, Plaintiff will be entitled under Title VII to his
12 reasonable attorney's fees and costs of suit.

13 14 **SECOND CLAIM**

15 **(Title VII - Discriminatory Failure to Promote on the Basis of National Origin)**

16 13. Plaintiff herein realleges Paragraphs 1 through 12, hereinabove, and each and
17 every allegation thereof, as though fully set forth herein.

18 14. By repeatedly and arbitrarily denying Plaintiff's applications for promotion
19 and training, BART has discriminated against Plaintiff on the basis of his Filipino
20 national origin or race, and thereby violated the provisions of Title VII of the Equal
21 Employment Opportunity Act ("Title VII").

22 15.. As the proximate result of said discrimination, Plaintiff has suffered the loss
23 of heightened earnings that he would have received if he had been granted one or more of
24 said promotions.

25 16. As the further proximate result thereof, Plaintiff has suffered general damages,
26 including anger, humiliation, frustration, anxiety, and emotional distress.

27 17. Plaintiff has filed a complaint with the Equal Employment Opportunity
28 Commission regarding said discrimination, and received a right-to-sue letter therefrom

1 within 90 days prior to the filing of this Complaint.

2 18. Upon prevailing herein, Plaintiff will be entitled under Title VII to his
3 reasonable attorney's fees and costs of suit.

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6 **THIRD CLAIM**

7 **(Title VII - Discriminatory Harassment on the Basis of Age)**

8 19. Plaintiff herein realleges Paragraphs 1 through 18, hereinabove, and each and
9 every allegation thereof, as though fully set forth herein.

10 20. By repeatedly and arbitrarily denying Plaintiff's applications for promotion
11 and training, groundlessly disciplining Plaintiff, and subjecting Plaintiff to demeaning
12 treatment, BART has harassed Plaintiff on the basis of his age, and thereby violated the
13 provisions of Title VII of the Equal Employment Opportunity Act ("Title VII").

14 21.. As the proximate result of said harassment discrimination, Plaintiff has
15 suffered the loss of heightened earnings that he would have received if he had been
16 granted one or more of said promotions.

17 22. As the further proximate result thereof, Plaintiff has suffered general damages,
18 including anger, humiliation, frustration, anxiety, and emotional distress.

19 23. Plaintiff has filed a complaint with the Equal Employment Opportunity
20 Commission regarding said discrimination, and received a right-to-sue letter therefrom
21 within 90 days prior to the filing of this Complaint.

22 24. Upon prevailing herein, Plaintiff will be entitled under Title VII to his
23 reasonable attorney's fees and costs of suit.

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25 **FOURTH CLAIM**

26 **(Title VII - Discriminatory Harassment on the Basis of National Origin)**

27 25. Plaintiff herein realleges Paragraphs 1 through 24, hereinabove, and each and
28 every allegation thereof, as though fully set forth herein.

26. By repeatedly and arbitrarily denying Plaintiff's applications for promotion and training, groundlessly disciplining Plaintiff, and subjecting Plaintiff to demeaning treatment, BART has harassed Plaintiff on the basis of his Filipino national origin or race, and thereby violated the provisions of Title VII of the Equal Employment Opportunity Act ("Title VII").

27.. As the proximate result of said harassment discrimination, Plaintiff has suffered the loss of heightened earnings that he would have received if he had been granted one or more of said promotions.

28. As the further proximate result thereof, Plaintiff has suffered general damages, including anger, humiliation, frustration, anxiety, and emotional distress.

29. Plaintiff has filed a complaint with the Equal Employment Opportunity Commission regarding said discrimination, and received a right-to-sue letter therefrom within 90 days prior to the filing of this Complaint.

30. Upon prevailing herein, Plaintiff will be entitled under Title VII to his reasonable attorney's fees and costs of suit.

FIFTH CLAIM

(FEHA - Discriminatory Failure to Promote on the Basis of Age)

7. Plaintiff herein realleges Paragraphs 1 through 6, hereinabove, and each and every allegation thereof, as though fully set forth herein.

8. By repeatedly and arbitrarily denying Plaintiff's applications for promotion and training, BART has discriminated against Plaintiff on the basis of his age, and thereby violated the provisions of the California Fair Employment and Housing Act ("FEHA").

9. As the proximate result of said discrimination, Plaintiff has suffered the loss of heightened earnings that he would have received if he had been granted one or more of said promotions.

10. As the further proximate result thereof, Plaintiff has suffered general damages, including anger, humiliation, frustration, anxiety, and emotional distress.

1 11. Plaintiff has cross-filed a complaint with the California Department of Fair
2 Employment and Housing (“DFEH”) regarding said discrimination, and received a right-
3 to-sue letter therefrom prior to the filing of this Complaint.

4 12. Upon prevailing herein, Plaintiff will be entitled under the FEHA to his
5 reasonable attorney’s fees and costs of suit.

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7 **SIXTH CLAIM**

8 **(FEHA - Discriminatory Failure to Promote on the Basis of National Origin)**

9 13. Plaintiff herein realleges Paragraphs 1 through 12, hereinabove, and each and
10 every allegation thereof, as though fully set forth herein.

11 14. By repeatedly and arbitrarily denying Plaintiff’s applications for promotion
12 and training, BART has discriminated against Plaintiff on the basis of his Filipino
13 national origin or race, and thereby violated the provisions of FEHA.

14 15.. As the proximate result of said discrimination, Plaintiff has suffered damages
15 in the sum of \$200,00.00 or according to proof, as the loss of heightened earnings that he
16 would have received if he had been granted one or more of said promotions.

17 16. As the further proximate result thereof, Plaintiff has suffered general damages,
18 including anger, humiliation, frustration, anxiety, and emotional distress.

19 17. Plaintiff has filed a complaint with the DFEH regarding said discrimination,
20 and received a right-to-sue letter therefrom within 90 days prior to the filing of this
21 Complaint.

22 18. Upon prevailing herein, Plaintiff will be entitled under FEHA to his
23 reasonable attorney’s fees and costs of suit.

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25 **SEVENTH CLAIM**

26 **(FEHA - Discriminatory Harassment on the Basis of Age)**

27 19. Plaintiff herein realleges Paragraphs 1 through 18, hereinabove, and each and
28 every allegation thereof, as though fully set forth herein.

20. By repeatedly and arbitrarily denying Plaintiff's applications for promotion and training, groundlessly disciplining Plaintiff, and subjecting Plaintiff to demeaning treatment, BART has harassed Plaintiff on the basis of his age, and thereby violated the provisions of FEHA.

21.. As the proximate result of said harassment discrimination, Plaintiff has suffered the loss of heightened earnings that he would have received if he had been granted one or more of said promotions.

22. As the further proximate result thereof, Plaintiff has suffered general damages, including anger, humiliation, frustration, anxiety, and emotional distress.

23. Plaintiff has cross-filed a complaint with the DFEH regarding said discrimination, and received a right-to-sue letter therefrom prior to the filing of this Complaint.

24. Upon prevailing herein, Plaintiff will be entitled under FEHA to his reasonable attorney's fees and costs of suit.

EIGHTH CLAIM

(FEHA - Discriminatory Harassment on the Basis of National Origin)

25. Plaintiff herein realleges Paragraphs 1 through 24, hereinabove, and each and every allegation thereof, as though fully set forth herein.

26. By repeatedly and arbitrarily denying Plaintiff's applications for promotion and training, groundlessly disciplining Plaintiff, and subjecting Plaintiff to demeaning treatment, BART has harassed Plaintiff on the basis of his Filipino national origin or race, and thereby violated the provisions of FEHA.

27.. As the proximate result of said harassment discrimination, Plaintiff has suffered the loss of heightened earnings that he would have received if he had been granted one or more of said promotions.

28. As the further proximate result thereof, Plaintiff has suffered general damages, including anger, humiliation, frustration, anxiety, and emotional distress.

1 29. Plaintiff has cross-filed a complaint with the DFEH regarding said
2 discrimination, and received a right-to-sue letter therefrom within 90 days prior to the
3 filing of this Complaint.

4 30. Upon prevailing herein, Plaintiff will be entitled under FEHA to his
5 reasonable attorney's fees and costs of suit.

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7 WHEREFORE, Plaintiff prays for relief as follows:

- 8 1. For loss of earnings in the sum of \$200,000.00, or according to proof.
9 2. For general damages, including for emotional distress, according to proof.
10 3. For reasonable attorney's fees and costs of suit.
11 4. For such other and further relief as the court deems just and proper.

12 DATED: September 14, 2021

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14 */s/ Michael E. Adams*

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MICHAEL E. ADAMS
Attorney for Plaintiff
ROBERT MADRONA

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18 **JURY DEMAND**

19 Plaintiff hereby demands a trial by jury as to all issues raised in the complaint.

20 DATED: September 14, 2021

21 */s/ Michael E. Adams*

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MICHAEL E. ADAMS
Attorney for Plaintiff
ROBERT MADRONA